

REMARKS

Claims 1-2 were pending in this matter at the time of the Office action. As a result of this amendment, claim 1 has been amended, claim 2 has been canceled and claims 3-4 have been added. No new matter has been added. The response below is made in view of the added claims.

The Applicant wishes to thank the Examiner for participating in the telephonic interview that took place on May 1, 2006. In regards to the interview, the applicant has amended claim 1, cancelled claim 2, and added claims 3-4. The Examiner asserted in the interview that the claims were not directed to a novel invention. The applicant has amended the claims to particularly claim and distinctly point out the novelty of the invention.

Claim Rejections -- 35 USC §112

The Examiner has rejected claims 1-2 under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to this rejection, claim 1 has been amended to distinctly claim the invention. In light of the amended changes, applicant asserts the rejection under 35 USC §112 have been overcome. Applicant notes that claim 2 has been cancelled. As such, the rejection of claim 2 has been rendered moot. In view of the foregoing, it is respectfully submitted that the claim rejections under 35 USC §112 have been overcome. The examiner's careful consideration is respectfully requested.

Claim Rejections -- 35 USC §102(b)

The Examiner has rejected claims 1-2 under 35 USC §102(b) as being anticipated by Gardner (U.S. Patent No. 2,464,571); Cooling (G.B. Publication No. 21675922); and Lairmore et al. (U.S. Patent No. 5,445,420).

The Examiner indicated that Gardner '571 discloses a message-bearing apparatus which is to be placed inside the shoe of the user. Independent claim 1 has been amended to recite that the insole shaped shoe inserts provide a method of communicating an inspirational message including depicting a substantially different message on each of the plurality of shoe inserts in the categories, as supported in paragraph 0015 and 0020 of the subject application, and instructing a user to reflect on the message, as supported in paragraph 0008. It is respectfully submitted that Gardner '571 does not teach or suggest the invention of independent claim 1. In particular, Gardner '571 does not teach or suggest a method of instructing a person reflect on a spiritual message. Rather, Gardner teaches a method of providing a visible danger warning in children's shoes. (Col. 1, Line 7). Thus, applicant asserts that the amendment to claim 1 distinguishes over Gardner '571.

The Examiner has rejected claims 1-2 under 35 USC §102(b) as being anticipated by Cooling (G.B. Publication No. 21675922).

The Examiner indicated that Cooling discloses a message-bearing apparatus which is to be placed inside the shoe of the user. It is respectfully submitted that Cooling does not teach or suggest the invention of independent claim 1. In particular, Cooling does not teach or suggest a method of instructing a person to remind them about a spiritual message. Cooling teaches a method of facilitating the correct juxtaposition of handed articles by non-literal persons. (Lines 13-15). The invention in Cooling does not require that the user be able to read, however, the applicant's invention requires that the user know how to read. Thus, the amendment to independent claim 1 should distinguish over Cooling and are now believed to be an allowable condition.

The Examiner has rejected claims 1-2 under 35 USC §102(b) as being anticipated by Lairmore et al. (U.S. Patent No. 5,445,420).

The Examiner indicated that Lairmore '420 discloses a message-bearing apparatus which is to be placed inside the shoe of the user. It is respectfully submitted that Lairmore '420 does

not teach or suggest the invention of independent claim 1. Lairmore '420 teaches a novelty device having a base with a footprint configuration. (Col. 2, Line 43). Lairmore '420 does not teach or suggest an insole shaped insert that fits into a shoe, but rather a separate novelty device in the shape of a footprint. (Col. 2, Lines 43-44). Applicant contends that the rejection based on Lairmore '420 is overcome.

Newly Added Claims

Claims 3-4 have been added and are drawn toward a method of continually reminding a person about a spiritually related message. Paragraph 0018. The messages are varied, each relating to different aspects about God and/or virtuous attributes. The wearer has a "physical reminder" of the inspirational message in that the articles illustrate these messages. The articles are inserted into the shoe thereby providing a reminder of the particular message. This is enhanced by texturing the article further reminding the wearer of the message. See paragraph 0020. Applicant asserts that the prior art references do not teach a method of instructing an individual as provided by Claim 3 and the following dependent claim. Specifically, the prior art references do not teach combining an illustrated message and textured surface to convey a message whereby the user is instructed to reflect on the message. Applicant therefore asserts that claim 3 is distinguished over the prior art.

Conclusion

In view of the above, Applicant respectfully submits that claim 1 and claims 3-6 are in condition for allowance. Prompt consideration of this application and allowance of these claims are requested. If the Examiner should have any questions regarding this application or the amendment, a call to Applicant's attorney/agent would be appreciated.

Respectfully submitted,
HAHN LOESER & PARKS, LLP

By


Timothy Smith

Reg. No. 50,880

Tel.: (330) 864-5550

Fax: (330) 864-7986